

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

FRIENDS OF PINE STREET d/b/a
PINE STREET COALITION,

Plaintiff,

FORTIETH BURLINGTON, LLC,
Intervenor

V.

Case No. 5:19-cv-95

MAYELA SOSA, in her capacity as Acting
Executive Director of the Federal Highway
Administration; JOE FLYNN, in his capacity
as Secretary of the State of Vermont Agency of
Transportation; and MIRO WEINBERGER, in
his capacity as Mayor of Burlington,

Defendants.

INTERVENOR'S OPPOSITION TO
STATE DEFENDANT VTRANS' MOTION FOR SUMMARY JUDGMENT
and REPLY TO STATE DEFENDANT VTRANS' OPPOSITION TO
PLAINTIFF'S AND INTERVENOR'S MOTIONS FOR SUMMARY JUDGMENT

Intervenor, Fortieth Burlington, LLC (“Fortieth”), by its attorneys, Leckerling Law, PLLC and Clark Hill PLC, hereby files its OPPOSITION to State Defendant VTrans’ Motion for Summary Judgment (ECF 100) and in REPLY to State Defendant VTrans’ Opposition (ECF 100) to Plaintiff’s (ECF 91) and Intervenor’s (ECF 92) Motions for Summary Judgment.

Insomuch as the State Defendant’s filing (ECF 100) adopted and incorporated by reference the related filing of Federal Defendant FHWA (ECF 98) without separate or additional argument, Fortieth herein adopts and incorporates by reference Intervenor’s Opposition to Federal Defendant FHWA’s Motion for Summary Judgment and Reply to Federal Defendant FHWA’s Opposition to Plaintiff’s and Intervenor’s Motions for Summary Judgment (ECF 109), filed contemporaneously with this document.

DATED at Stowe, Vermont, this 8th day of March, 2023.

Respectfully submitted.

/s/ E. Leckerling

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*Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed with the Clerk of the Court the following document:

Intervenor's Opposition to State Defendant VTRANS' Motion for Summary Judgment and Reply to State Defendant VTRANS' Opposition to Plaintiff's and Intervenor's Motions for Summary Judgment

using the CM/ECF system. The CM/ECF system will provide service of such filing via Notice of Electronic Filing (NEF) to the registered parties.

DATED at Stowe, Vermont, this 8th day of March, 2023.

Respectfully submitted.

/s/ E. William Leckerling

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